

controls therefor, must be provided. By employing a simplified, and thus economical, support table, this makes it practical to maintain a larger number of such support tables on hand or a clinic or a hospital, so that a number of patients can be "prepped" in advance on the respective support tables, and then the gantry, which is movable independently of the support table, can be moved to an appropriate position relative to each support table, for conducting an examination. Alternatively, each support table can, in turn, be moved to the gantry with the respective patient thereon.

In the final rejection dated November 5, 2002, claims 1, 2, 4 and 5 were rejected under 35 U.S.C. §102(e) as being anticipated by Fujita et al. In substantiating this rejection, the Examiner stated that the Fujita et al. reference discloses a carrier having a support plate that is non-displaceably mounted cantilevered to a carrier column. The Examiner cited column 14, lines 1-5 in support of this statement. The passage cited by the Examiner, however, explicitly teaches that the support plate is *displaceably* mounted to the carrier, and thus teaches exactly the opposite of what the Examiner contends. Column 14, lines 3-6 explicitly states:

"The top board on which the patient is fixed is *driven* in one of the directions of the double-headed arrow A in Figure 8, and is inserted in the gantry 10.

In Figure 8, moreover, the double arrow A clearly indicates movement of the top board 25 in the opposite directions toward and away from the gantry 10, on the column 20.

The Examiner had relied on the Fujita et al. reference as a basis for rejecting the claims in the previous Office Action dated May 9, 2002, and in Applicant's Response to that Office Action, filed August 7, 2002, Applicant argued that the Fujita

et al. reference does not disclose a support table having a non-displaceably mounted support plate. In response to those arguments, in the final rejection, the Examiner stated that while there are embodiments in the Fujita et al. reference that disclose a support plate that is displaceably mounted relative to the carrier, there is also a support plate that is non-displaceably mounted cantilevered to the carrier, the Examiner cited Figure 23A. The Examiner stated Figure 23A of Fujita et al. discloses a gantry that is movable and capable of being moved to the support plate, thus allowing the table to be non-moving if that is what the user desires.

As discussed above, the relevant issue is not whether the support *table* is displaceable, but whether the support table has a support plate that is displaceably mounted relative to a carrier of the support table. The embodiment of Figure 23 A of Fujita et al. discloses a support table constructed the same as in the above-discussed embodiment of Figure 8. The upper double arrow in Figure 23A of Fujita et al. clearly indicates that the top board 25 of the support table is movable relative to the carrier. This is also explicitly stated in the paragraph beginning at column 19, line 39, which states that the top board 25 is *slidably arranged* on the couch 20, and guides the patient into the gantry (emphasis added).

Therefore, Figure 23 A of Fujita et al., like Figure 8, discloses a support table having a support plate which is *displaceably* mounted relative to the carrier, which is exactly the opposite of the subject matter disclosed and claimed in the present application.

The Fujita et al. reference, therefore does not anticipate claim 1, nor any of claims 2, 4 and 5 depending therefrom, under the provisions of 35 U.S.C. §102(e).

Claims 3, 6, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fujita et al. as applied against claim 1, further in view of Gordon. The Examiner relied on Gordon as teaching rails along which the gantry is movable. Applicant does not disagree that the Gordon reference provides such a teaching, however, even if the Fujita et al. reference were modified in accordance with these teachings of the Gordon reference, this would merely result in the gantry in Fujita et al. being mounted on rails, and would not alter the teachings of the Fujita et al. reference discussed above relating to the displaceably mounted support plate. A combination wherein the support plate is non-displaceably mounted cantilevered to the carrier still would not result from such a combination.

Moreover, although the Gordon reference discloses a support plate for a patient that is non-displaceably mounted to a carrier, the support plate in the Gordon reference is not mounted in a cantilevered manner, and could not be mounted in a cantilevered manner given the overall structure of the Gordon apparatus. Claim 1, the subject matter of which is embodied in claims 3, 6, and 7, requires that the support table be mounted cantilevered to the carrier.

Applicants therefore submit the subject matter of claims 3, 6 and 7 would not have been obvious to a person of ordinary skill in the art under the provisions of 35 U.S.C. §103(a) as being unpatentable over Fujita et al. in view Gordon.

The undersigned counsel for the Applicant has been informed that the previous Examiner is on a leave of absence from the Patent and Trademark Office. Upon receiving the undersigned counsel's request to conduct a telephone interview, the application was re-assigned to the present Examiner, and Applicant notes with appreciation the telephone interview that was courteously afforded the undersigned

counsel for the Applicant on March 31, 2003. The above arguments regarding the Fujita et al. reference were presented and discussed at the interview, and the Examiner agreed at the interview that the support table in the Fujita et al. reference is, in fact, displaceably mounted to the carrier in all embodiments. Applicant respectfully submits this is sufficient to overcome the rejections in the latest Office Action.

At the interview, however, the present Examiner stated that support tables are known in the art wherein the support table is stationary with regard to the carrier, and the Examiner expressed the belief that it would have been obvious to a person of ordinary skill in the art to employ a movable gantry with such a known support table. Applicant does not agree with this position of the Examiner, but more importantly, such a rejection would be a different rejection from the rejection in the final Office Action. It is Applicant's obligation to respond to the pending rejection, rather than to provide a speculative response to some other possible rejection that has not yet been made. Therefore, upon reviewing the present response, if the Examiner agrees that the statements of the previous Examiner allegedly substantiating the rejection based on the Fujita et al. reference are factually incorrect, and if the Examiner believes another rejection should be substituted, the Examiner is requested to withdraw the finality of the Office Action and re-open prosecution, so that Applicant can have an opportunity to respond to whatever new rejection the present Examiner may deem appropriate.

The previous Examiner has not changed her voicemail message, and therefore much time was lost before the undersigned counsel was informed that the previous Examiner is on a leave of absence. This has resulted now in only

approximately one month remaining in the total six-month period for response, and therefore the Examiner is requested to act as expeditiously as possible to determine whether the finality of the rejection will be maintained, or whether prosecution will be re-opened. The Examiner's willingness to cooperate in this re-assigned application is greatly appreciated.

Submitted by,

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